



General Assembly

February Session, 2010

Raised Bill No. 5542

LCO No. 2626

* _____HB05542JUD____032910_____*

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT MAKING MINOR, TECHNICAL AND CONFORMING CHANGES
TO CERTAIN STATUTES CONCERNING CRIMINAL AND CIVIL LAW
AND PROCEDURE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 18-81t of the 2010 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2010*):

4 (a) Not later than thirty days after [the close of the first calendar
5 quarter of the fiscal year ending June 30, 2009] September 30, 2009, and
6 not later than thirty days after the close of each calendar quarter of
7 each fiscal year thereafter, the Commissioner of Correction shall
8 submit, to the Governor and to the joint standing committees of the
9 General Assembly having cognizance of matters relating to the
10 judiciary and labor and public employees, a report containing: (1) The
11 number of inmate disciplinary reports for each correctional facility
12 filed during such calendar quarter; (2) the number of inmate assaults
13 on custodial staff reported for each correctional facility during such
14 calendar quarter; (3) the number of inmate assaults on other inmates
15 reported for each correctional facility during such calendar quarter; (4)

16 the number of workers' compensation claims filed by custodial staff for
 17 each correctional facility during such calendar quarter; (5) the average
 18 number of inmates for each correctional facility during such calendar
 19 quarter; (6) the average number of permanent beds for each
 20 correctional facility during such calendar quarter; and (7) the inmate
 21 population density for each correctional facility during such calendar
 22 quarter. Said committees may hold a public hearing on any such
 23 report.

24 Sec. 2. Subsection (e) of section 34-532 of the 2010 supplement to the
 25 general statutes is repealed and the following is substituted in lieu
 26 thereof (*Effective July 1, 2010*):

27 (e) If an agent dies, dissolves, removes from the state or resigns, the
 28 foreign statutory trust shall forthwith appoint another agent upon
 29 whom process may be served. If such agent changes his or its address
 30 within the state from that appearing upon the records in the office of
 31 the Secretary of the State, the foreign statutory trust or agent shall
 32 forthwith file with the Secretary of the State notice of the new address.
 33 Such agent may resign by filing with the Secretary of the State a signed
 34 statement in duplicate to that effect. The Secretary of the State shall
 35 forthwith file one copy and mail the other copy of such statement to
 36 the foreign statutory trust at the office designated in the application for
 37 registration filed pursuant to section 34-531. Upon the expiration of
 38 thirty days after the mailing of such notice, the resignation shall be
 39 effective. A foreign statutory trust may revoke the appointment of an
 40 agent upon whom process may be served by making a new
 41 appointment as provided in this section and any new appointment so
 42 made revokes all appointments theretofore made.

43 Sec. 3. Subsection (c) of section 45a-676 of the general statutes is
 44 repealed and the following is substituted in lieu thereof (*Effective*
 45 *October 1, 2010*):

46 (c) For the purposes of sections 45a-669 to 45a-684, inclusive, [and
 47 46b-38ii.] any alleged inability of the respondent must be evidenced by

48 recent behavior that would cause harm or create a risk of harm, by
49 clear and convincing proof.

50 Sec. 4. Subsection (b) of section 46b-15 of the general statutes is
51 repealed and the following is substituted in lieu thereof (*Effective July*
52 *1, 2010*):

53 (b) The application form shall allow the applicant, at the applicant's
54 option, to indicate whether the respondent holds a permit to carry a
55 pistol or revolver or possesses one or more firearms. The application
56 shall be accompanied by an affidavit made under oath which includes
57 a brief statement of the conditions from which relief is sought. Upon
58 receipt of the application the court shall order that a hearing on the
59 application be held not later than fourteen days from the date of the
60 order. The court, in its discretion, may make such orders as it deems
61 appropriate for the protection of the applicant and such dependent
62 children or other persons as the court sees fit. Such order may include
63 temporary child custody or visitation rights and such relief may
64 include but is not limited to an order enjoining the respondent from (1)
65 imposing any restraint upon the person or liberty of the applicant; (2)
66 threatening, harassing, assaulting, molesting, sexually assaulting or
67 attacking the applicant; or (3) entering the family dwelling or the
68 dwelling of the applicant. [The court, in its discretion, may make such
69 orders as it deems appropriate for the protection of] Such order may
70 include provisions necessary to protect any animal owned or kept by
71 the applicant including, but not limited to, an order enjoining the
72 respondent from injuring or threatening to injure such animal. If an
73 applicant alleges an immediate and present physical danger to the
74 applicant, the court may issue an ex parte order granting such relief as
75 it deems appropriate. If a postponement of a hearing on the
76 application is requested by either party and granted, the order shall
77 not be continued except upon agreement of the parties or by order of
78 the court for good cause shown.

79 Sec. 5. Subsection (d) of section 46b-38b of the 2010 supplement to
80 the general statutes, as amended by section 64 of public act 09-7 of the

81 September special session, is repealed and the following is substituted
82 in lieu thereof (*Effective July 1, 2010*):

83 (d) It shall be the responsibility of the peace officer at the scene of a
84 family violence incident to provide immediate assistance to the victim.
85 Such assistance shall include, but not be limited to: (1) Assisting the
86 victim to obtain medical treatment if such treatment is required; (2)
87 notifying the victim of the right to file an affidavit [or] for a warrant for
88 arrest; (3) informing the victim of services available and referring the
89 victim to the Office of Victim Services; and (4) providing assistance in
90 accordance with the uniform protocols for treating victims of family
91 violence whose immigration status is questionable established
92 pursuant to subsection (g) of this section. In cases where the officer has
93 determined that no cause exists for an arrest, assistance shall include:
94 (A) Assistance as provided in subdivisions (1) to (4), inclusive, of this
95 subsection; and (B) remaining at the scene for a reasonable time until,
96 in the reasonable judgment of the officer, the likelihood of further
97 imminent violence has been eliminated.

98 Sec. 6. Subsection (a) of section 46b-86 of the general statutes is
99 repealed and the following is substituted in lieu thereof (*Effective July*
100 *1, 2010*):

101 (a) Unless and to the extent that the decree precludes modification,
102 [the court may order either party to maintain life insurance for the
103 other party or a minor child of the parties or] any final order for the
104 periodic payment of permanent alimony or support, [or] an order for
105 alimony or support pendente lite or an order requiring either party to
106 maintain life insurance for the other party or a minor child of the
107 parties may, at any time thereafter, be continued, set aside, altered or
108 modified by [said] the court upon a showing of a substantial change in
109 the circumstances of either party or upon a showing that the final
110 order for child support substantially deviates from the child support
111 guidelines established pursuant to section 46b-215a, unless there was a
112 specific finding on the record that the application of the guidelines
113 would be inequitable or inappropriate. There shall be a rebuttable

114 presumption that any deviation of less than fifteen per cent from the
 115 child support guidelines is not substantial and any deviation of fifteen
 116 per cent or more from the guidelines is substantial. Modification may
 117 be made of such support order without regard to whether the order
 118 was issued before, on or after May 9, 1991. In determining whether to
 119 modify a child support order based on a substantial deviation from
 120 such child support guidelines the court shall consider the division of
 121 real and personal property between the parties set forth in the final
 122 decree and the benefits accruing to the child as the result of such
 123 division. After the date of judgment, modification of any child support
 124 order issued before, on or after July 1, 1990, may be made upon a
 125 showing of such substantial change of circumstances, whether or not
 126 such change of circumstances was contemplated at the time of
 127 dissolution. By written agreement, stipulation or [by] decision of the
 128 court, those items or circumstances that were contemplated and are
 129 not to be changed may be specified in the written agreement,
 130 stipulation or decision of the court. This section shall not apply to
 131 assignments under section 46b-81 or to any assignment of the estate or
 132 a portion thereof of one party to the other party under prior law. No
 133 order for periodic payment of permanent alimony or support may be
 134 subject to retroactive modification, except that the court may order
 135 modification with respect to any period during which there is a
 136 pending motion for modification of an alimony or support order from
 137 the date of service of notice of such pending motion upon the opposing
 138 party pursuant to section 52-50.

139 Sec. 7. Section 49-9a of the general statutes is repealed and the
 140 following is substituted in lieu thereof (*Effective July 1, 2010*):

141 (a) Notwithstanding the provisions of this chapter, a release of
 142 mortgage executed by any person other than an individual that is
 143 invalid because it is not issued or executed by, or fails to appear in the
 144 name of the record holder of the mortgage on one, two, three or four-
 145 family residential real property located in [the state of Connecticut]
 146 this state, including, but not limited to, a residential unit in any

147 common interest community, as defined in section 47-202, shall be as
 148 valid as if it had been issued or executed by, or appeared in the name
 149 of, the record holder of [such] the mortgage unless an action
 150 challenging the validity of the release is commenced and a notice of lis
 151 pendens is recorded in the land records of the town where the release
 152 is recorded within five years after the release is recorded, provided an
 153 affidavit is recorded in the land records of the town where the
 154 mortgage was recorded which states the following:

155 (1) The affiant has been the record owner of the real property
 156 described in the mortgage for at least two years prior to the date of the
 157 affidavit;

158 (2) The recording information for the mortgage, any [assignments]
 159 assignment of the mortgage and the release;

160 (3) Since the date of the recording of the release, the affiant has
 161 received no demand for payment of all or any portion of the debt
 162 secured by [said] the mortgage and has received no notice or
 163 communication that would indicate that all or any portion of the
 164 mortgage debt remains due [or] and owing; and

165 (4) To the best of the affiant's knowledge and belief, the mortgage
 166 debt has been paid in full.

167 (b) The provisions of subsection (a) of this section shall not apply to
 168 any release obtained by forgery or fraud.

169 Sec. 8. Subsection (b) of section 51-164n of the 2010 supplement to
 170 the general statutes is repealed and the following is substituted in lieu
 171 thereof (*Effective July 1, 2010*):

172 (b) Notwithstanding any provision of the general statutes, any
 173 person who is alleged to have committed (1) a violation under the
 174 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
 175 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
 176 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,

177 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
 178 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
 179 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
 180 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
 181 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
 182 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
 183 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
 184 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
 185 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
 186 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
 187 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
 188 14-153 or 14-163b, a first violation as specified in subsection (f) of
 189 section 14-164i, section 14-219 as specified in subsection (e) of said
 190 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
 191 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
 192 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
 193 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
 194 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
 195 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,
 196 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,
 197 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,
 198 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section
 199 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
 200 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
 201 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
 202 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
 203 20-265 or 20-324e, [subsection (a) of section 20-341,] section 20-341l, 20-
 204 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-
 205 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
 206 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
 207 79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-
 208 34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-
 209 49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-
 210 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e)
 211 of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415,

212 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of
 213 section 22a-256h, section 22a-381d, 22a-449, 22a-461, 23-37, 23-38, 23-46
 214 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-
 215 19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79,
 216 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-
 217 207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-
 218 143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-
 219 161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277,
 220 subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a,
 221 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23,
 222 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48,
 223 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-
 224 69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134,
 225 subsection (i) of section 31-273, section 31-288, 36a-787, 42-230, 45a-450,
 226 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section
 227 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk, 47-34a,
 228 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252, 53-264,
 229 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-
 230 450, or (2) a violation under the provisions of chapter 268, or (3) a
 231 violation of any regulation adopted in accordance with the provisions
 232 of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,
 233 regulation or bylaw of any town, city or borough, except violations of
 234 building codes and the health code, for which the penalty exceeds
 235 ninety dollars but does not exceed two hundred fifty dollars, unless
 236 such town, city or borough has established a payment and hearing
 237 procedure for such violation pursuant to section 7-152c, shall follow
 238 the procedures set forth in this section.

239 Sec. 9. Section 52-225a of the general statutes is repealed and the
 240 following is substituted in lieu thereof (*Effective July 1, 2010*):

241 (a) In any civil action, whether in tort or in contract, wherein the
 242 claimant seeks to recover damages resulting from (1) personal injury or
 243 wrongful death occurring on or after October 1, 1987, or (2) personal
 244 injury or wrongful death, arising out of the rendition of professional

245 services by a health care provider, occurring on or after October 1,
 246 1985, and prior to October 1, 1986, if the action was filed on or after
 247 October 1, 1987, and wherein liability is admitted or is determined by
 248 the trier of fact and damages are awarded to compensate the claimant,
 249 the court shall reduce the amount of such award which represents
 250 economic damages, as defined in subdivision (1) of subsection (a) of
 251 section 52-572h, by an amount equal to the total of amounts
 252 determined to have been paid under subsection (b) of this section less
 253 the total of amounts determined to have been paid, contributed or
 254 forfeited under subsection (c) of this section, except that there shall be
 255 no reduction for (A) a collateral source for which a right of subrogation
 256 exists, and (B) the amount of collateral sources equal to the reduction
 257 in the claimant's economic damages attributable to the claimant's
 258 percentage of negligence pursuant to section 52-572h.

259 (b) Upon a finding of liability and an awarding of damages by the
 260 trier of fact and before the court enters judgment, the court shall
 261 receive evidence from the claimant and other appropriate persons
 262 concerning the total amount of collateral sources which have been paid
 263 for the benefit of the claimant as of the date the court enters judgment.

264 (c) The court shall receive evidence from the claimant and any other
 265 appropriate person concerning any amount which has been paid,
 266 contributed [,] or forfeited, as of the date the court enters judgment, by,
 267 or on behalf of, the claimant or members of his immediate family to
 268 secure his right to any collateral source benefit which he has received
 269 as a result of such injury or death.

270 Sec. 10. Section 52-553 of the general statutes is repealed and the
 271 following is substituted in lieu thereof (*Effective July 1, 2010*):

272 All wagers, and all contracts and securities of which the whole or
 273 any part of the consideration is money or other valuable thing won,
 274 laid or bet, at any game, horse race, sport or pastime, and all contracts
 275 to repay any money knowingly lent at the time and place of such
 276 game, race, sport or pastime, to any person so gaming, betting or

277 wagering, or to repay any money lent to any person who, at such time
 278 and place, so pays, bets or wagers, shall be void, provided nothing in
 279 this section shall (1) affect the validity of any negotiable instrument
 280 held by any person who acquired the same for value and in good faith
 281 without notice of illegality in the consideration, [or] (2) apply to the
 282 sale of a raffle ticket pursuant to section 7-172, or (3) apply to any
 283 wager or contract otherwise authorized by law.

284 Sec. 11. Section 52-593a of the general statutes is repealed and the
 285 following is substituted in lieu thereof (*Effective July 1, 2010*):

286 (a) Except in the case of an appeal from an administrative agency
 287 governed by section 4-183, a cause or right of action shall not be lost
 288 because of the passage of the time limited by law within which the
 289 action may be brought, if the process to be served is personally
 290 delivered to a state marshal, [authorized to serve the process]
 291 constable or other proper officer within such time and the process is
 292 served, as provided by law, within thirty days of the delivery.

293 (b) In any such case, the [state marshal] officer making service shall
 294 endorse under oath on such [state marshal's] officer's return the date of
 295 delivery of the process to such [state marshal] officer for service in
 296 accordance with this section.

297 Sec. 12. Section 53-205 of the general statutes is repealed and the
 298 following is substituted in lieu thereof (*Effective July 1, 2010*):

299 (a) No person shall carry or possess in any vehicle or snowmobile
 300 any shotgun, [or] rifle or muzzleloader of any gauge or caliber while
 301 such shotgun, [or] rifle or muzzleloader contains in the barrel, chamber
 302 or magazine any loaded shell or cartridge capable of being discharged
 303 or when such muzzleloader has a percussion cap in place or when the
 304 powder pan of a [flint lock] flintlock contains powder. [Muzzleloader
 305 as] As used in this [section] subsection, "muzzleloader" means a rifle or
 306 shotgun [.] that is incapable of firing a self-contained cartridge and
 307 [which] must be loaded at the muzzle end.

308 **(b)** The enforcement officers of the Department of Environmental
309 Protection are empowered to enforce this section.

310 **(c)** The provisions of this section shall not apply to members of the
311 military departments of the government or state while on duty or
312 while traveling to or from assignments, or to enforcement officers,
313 security guards or other persons employed to protect public or private
314 property while in the performance of such duties.

315 **(d)** Any person who violates any provision of this section shall be
316 fined not less than ten [nor] dollars or more than one hundred dollars
317 or [be] imprisoned not more than thirty days or be both fined and
318 imprisoned.

319 Sec. 13. Subsection (a) of section 53-278g of the general statutes is
320 repealed and the following is substituted in lieu thereof (*Effective July*
321 *1, 2010*):

322 (a) Nothing in sections 53-278a to 53-278g, inclusive, shall be
323 construed to prohibit the publication of an advertisement of, or the
324 operation of, or participation in, a state lottery, pari-mutuel betting at
325 race tracks licensed by the state, off-track betting conducted by the
326 state or a licensee authorized to operate the off-track betting system or
327 a promotional drawing for a prize or prizes, conducted for advertising
328 purposes by any person, firm or corporation other than a retail grocer
329 or retail grocery chain, wherein members of the general public may
330 participate without making any purchase or otherwise paying or
331 risking credit, money, or any other tangible thing of value.

332 Sec. 14. Subsection (b) of section 53-289c of the general statutes is
333 repealed and the following is substituted in lieu thereof (*Effective July*
334 *1, 2010*):

335 (b) The provisions of subsection (a) of this section do not apply to a
336 ticket reseller who: (1) Resells a ticket for not greater than the face
337 value printed on the ticket; or (2) maintains a permanent office within
338 one thousand five hundred feet of the physical structure where the

entertainment event is scheduled to take place provided such reseller sells, offers to resell or solicits the resale of a ticket only within the premises of such office in person [] or by mail, telephone or [over] the Internet.

Sec. 15. Subsection (b) of section 53a-19 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(b) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using deadly physical force upon another person if he or she knows that he or she can avoid the necessity of using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he or she is in his or her dwelling, as defined in section 53a-100, or place of work and was not the initial aggressor, or if he or she is a peace officer, or a special policeman appointed under section 29-18b, or a [Department of Motor Vehicles inspector appointed] motor vehicle inspector designated under section 14-8 and certified pursuant to section 7-294d, or a private person assisting such peace officer, special policeman or motor vehicle inspector at his or her direction, and acting pursuant to section 53a-22, as amended by this act, or (2) by surrendering possession of property to a person asserting a claim of right thereto, or (3) by complying with a demand that he or she abstain from performing an act which he or she is not obliged to perform.

Sec. 16. Section 53a-22 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2010*):

(a) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of physical force to make an arrest or to prevent an escape from custody. A peace officer, special

371 policeman appointed under section 29-18b, [Department of Motor
372 Vehicles inspector appointed] motor vehicle inspector designated
373 under section 14-8 and certified pursuant to section 7-294d [,] or [an]
374 authorized official of the Department of Correction or the Board of
375 Pardons and Paroles who is effecting an arrest pursuant to a warrant
376 or preventing an escape from custody is justified in using the physical
377 force prescribed in subsections (b) and (c) of this section unless such
378 warrant is invalid and is known by such officer to be invalid.

379 (b) Except as provided in subsection (a) of this section, a peace
380 officer, special policeman appointed under section 29-18b,
381 [Department of Motor Vehicles inspector appointed] motor vehicle
382 inspector designated under section 14-8 and certified pursuant to
383 section 7-294d [,] or authorized official of the Department of Correction
384 or the Board of Pardons and Paroles is justified in using physical force
385 upon another person when and to the extent that he or she reasonably
386 believes such to be necessary to: (1) Effect an arrest or prevent the
387 escape from custody of a person whom he or she reasonably believes
388 to have committed an offense, unless he or she knows that the arrest or
389 custody is unauthorized; or (2) defend himself or herself or a third
390 person from the use or imminent use of physical force while effecting
391 or attempting to effect an arrest or while preventing or attempting to
392 prevent an escape.

393 (c) A peace officer, special policeman appointed under section 29-
394 18b, [Department of Motor Vehicles inspector appointed] motor
395 vehicle inspector designated under section 14-8 and certified pursuant
396 to section 7-294d [,] or authorized official of the Department of
397 Correction or the Board of Pardons and Paroles is justified in using
398 deadly physical force upon another person for the purposes specified
399 in subsection (b) of this section only when he or she reasonably
400 believes such to be necessary to: (1) Defend himself or herself or a third
401 person from the use or imminent use of deadly physical force; or (2)
402 effect an arrest or prevent the escape from custody of a person whom
403 he or she reasonably believes has committed or attempted to commit a

404 felony which involved the infliction or threatened infliction of serious
405 physical injury and if, where feasible, he or she has given warning of
406 his or her intent to use deadly physical force.

407 (d) Except as provided in subsection (e) of this section, a person who
408 has been directed by a peace officer, special policeman appointed
409 under section 29-18b, [Department of Motor Vehicles inspector
410 appointed] motor vehicle inspector designated under section 14-8 and
411 certified pursuant to section 7-294d [.] or authorized official of the
412 Department of Correction or the Board of Pardons and Paroles to assist
413 such peace officer, special policeman, motor vehicle inspector or
414 official to effect an arrest or to prevent an escape from custody is
415 justified in using reasonable physical force when and to the extent that
416 he or she reasonably believes such to be necessary to carry out such
417 peace officer's, special policeman's, motor vehicle inspector's or
418 official's direction.

419 (e) A person who has been directed to assist a peace officer, special
420 policeman appointed under section 29-18b, [Department of Motor
421 Vehicles inspector appointed] motor vehicle inspector designated
422 under section 14-8 and certified pursuant to section 7-294d [.] or
423 authorized official of the Department of Correction or the Board of
424 Pardons and Paroles under circumstances specified in subsection (d) of
425 this section may use deadly physical force to effect an arrest or to
426 prevent an escape from custody only when: (1) He or she reasonably
427 believes such to be necessary to defend himself or herself or a third
428 person from what he or she reasonably believes to be the use or
429 imminent use of deadly physical force; or (2) he or she is directed or
430 authorized by such peace officer, special policeman, motor vehicle
431 inspector or official to use deadly physical force, unless he or she
432 knows that the peace officer, special policeman, motor vehicle
433 inspector or official himself or herself is not authorized to use deadly
434 physical force under the circumstances.

435 (f) A private person acting on his or her own account is justified in
436 using reasonable physical force upon another person when and to the

437 extent that he or she reasonably believes such to be necessary to effect
 438 an arrest or to prevent the escape from custody of an arrested person
 439 whom he or she reasonably believes to have committed an offense and
 440 who in fact has committed such offense; but he or she is not justified in
 441 using deadly physical force in such circumstances, except in defense of
 442 person as prescribed in section 53a-19, as amended by this act.

443 Sec. 17. Section 53a-23 of the general statutes is repealed and the
 444 following is substituted in lieu thereof (*Effective July 1, 2010*):

445 A person is not justified in using physical force to resist an arrest by
 446 a reasonably identifiable peace officer, [or] special policeman
 447 appointed under section 29-18b [, or a Department of Motor Vehicles
 448 inspector appointed] or motor vehicle inspector designated under
 449 section 14-8 and certified pursuant to section 7-294d, whether such
 450 arrest is legal or illegal.

451 Sec. 18. Section 53a-35a of the general statutes is repealed and the
 452 following is substituted in lieu thereof (*Effective July 1, 2010*):

453 For any felony committed on or after July 1, 1981, the sentence of
 454 imprisonment shall be a definite sentence and, unless the section of the
 455 general statutes that defines the crime specifically provides otherwise,
 456 the term shall be fixed by the court as follows: (1) For a capital felony, a
 457 term of life imprisonment without the possibility of release unless a
 458 sentence of death is imposed in accordance with section 53a-46a; (2) for
 459 the class A felony of murder, a term not less than twenty-five years nor
 460 more than life; (3) for the class A felony of aggravated sexual assault of
 461 a minor under section 53a-70c, a term not less than twenty-five years
 462 or more than fifty years; (4) for a class A felony other than an offense
 463 specified in subdivision (2) or (3) of this section, a term not less than
 464 ten years nor more than twenty-five years; (5) for the class B felony of
 465 manslaughter in the first degree with a firearm under section 53a-55a,
 466 a term not less than five years nor more than forty years; (6) for a class
 467 B felony other than manslaughter in the first degree with a firearm
 468 under section 53a-55a, a term not less than one year nor more than

469 twenty years; [, except that for a conviction under section 53a-59(a)(1),
 470 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-134(a)(2), the term shall
 471 be not less than five years nor more than twenty years;] (7) for a class C
 472 felony, a term not less than one year nor more than ten years; [, except
 473 that for a conviction under section 53a-56a, the term shall be not less
 474 than three years nor more than ten years;] (8) for a class D felony, a
 475 term not less than one year nor more than five years; [, except that for a
 476 conviction under section 53a-60b or 53a-217, the term shall be not less
 477 than two years nor more than five years, for a conviction under section
 478 53a-60c, the term shall be not less than three years nor more than five
 479 years, and for a conviction under section 53a-216, the term shall be five
 480 years;] and (9) for an unclassified felony, a term in accordance with the
 481 sentence specified in the section of the general statutes that defines the
 482 crime.

483 Sec. 19. Section 53a-36 of the general statutes is repealed and the
 484 following is substituted in lieu thereof (*Effective July 1, 2010*):

485 A sentence of imprisonment for a misdemeanor shall be a definite
 486 sentence and, unless the section of the general statutes that defines the
 487 crime specifically provides otherwise, the term shall be fixed by the
 488 court as follows: (1) For a class A misdemeanor, a term not to exceed
 489 one year; [except that when a person is found guilty under section 53a-
 490 61(a)(3) or 53a-61a, the term shall be one year and such sentence shall
 491 not be suspended or reduced;] (2) for a class B misdemeanor, a term
 492 not to exceed six months; (3) for a class C misdemeanor, a term not to
 493 exceed three months; and (4) for an unclassified misdemeanor, a term
 494 in accordance with the sentence specified in the section of the general
 495 statutes that defines the crime.

496 Sec. 20. Subsection (d) of section 53a-39 of the general statutes is
 497 repealed and the following is substituted in lieu thereof (*Effective July*
 498 *1, 2010*):

499 (d) At a hearing held by the sentencing court or judge under this
 500 section, such court or judge shall permit any victim of the crime to

501 appear before the court or judge for the purpose of making a statement
 502 for the record concerning whether or not the sentence of the defendant
 503 should be reduced, the defendant should be discharged or the
 504 defendant should be discharged on probation or conditional discharge
 505 pursuant to subsection (a) or (b) of this section. In lieu of such
 506 appearance, the victim may submit a written statement to the court or
 507 judge and the court or judge shall make such statement a part of the
 508 record at the hearing. For the purposes of this subsection, "victim"
 509 means the victim, the legal representative of the victim or a member of
 510 the deceased victim's immediate family.

511 Sec. 21. Section 53a-40b of the general statutes is repealed and the
 512 following is substituted in lieu thereof (*Effective July 1, 2010*):

513 A person convicted of an offense committed while released
 514 pursuant to sections 54-63a to 54-63g, inclusive, or sections 54-64a to
 515 54-64c, inclusive, other than a violation of section 53a-222 or 53a-222a,
 516 may be sentenced, in addition to the sentence prescribed for the
 517 offense to (1) a term of imprisonment of not more than ten years if the
 518 offense is a felony, or (2) a term of imprisonment of not more than one
 519 year if the offense is a misdemeanor.

520 Sec. 22. Subsection (a) of section 53a-167a of the general statutes is
 521 repealed and the following is substituted in lieu thereof (*Effective July*
 522 *1, 2010*):

523 (a) A person is guilty of interfering with an officer when such
 524 person obstructs, resists, hinders or endangers any peace officer,
 525 special policeman appointed under section 29-18b, [Department of
 526 Motor Vehicles inspector appointed] motor vehicle inspector
 527 designated under section 14-8 and certified pursuant to section 7-294d
 528 [.] or firefighter in the performance of such peace officer's, special
 529 policeman's, motor vehicle inspector's or firefighter's duties.

530 Sec. 23. Subsection (a) of section 53a-167b of the general statutes is
 531 repealed and the following is substituted in lieu thereof (*Effective July*

532 1, 2010):

533 (a) A person is guilty of failure to assist a peace officer, special
 534 policeman, motor vehicle inspector [,] or firefighter when, commanded
 535 by a peace officer, special policeman appointed under section 29-18b,
 536 [or Department of Motor Vehicles inspector appointed] motor vehicle
 537 inspector designated under section 14-8 and certified pursuant to
 538 section 7-294d [,] or firefighter authorized to command assistance, such
 539 person refuses to assist such peace officer, special policeman, motor
 540 vehicle inspector or firefighter in the execution of such peace officer's,
 541 special policeman's, motor vehicle inspector's or firefighter's duties.

542 Sec. 24. Subsection (a) of section 53a-167c of the 2010 supplement to
 543 the general statutes is repealed and the following is substituted in lieu
 544 thereof (*Effective July 1, 2010*):

545 (a) A person is guilty of assault of public safety, emergency medical
 546 or public transit personnel when, with intent to prevent a reasonably
 547 identifiable peace officer, special policeman appointed under section
 548 29-18b, [Department of Motor Vehicles inspector appointed] motor
 549 vehicle inspector designated under section 14-8 and certified pursuant
 550 to section 7-294d, firefighter or employee of an emergency medical
 551 service organization, as defined in section 53a-3, emergency room
 552 physician or nurse, employee of the Department of Correction,
 553 member or employee of the Board of Pardons and Paroles, probation
 554 officer, employee of the Judicial Branch assigned to provide pretrial
 555 secure detention and programming services to juveniles accused of the
 556 commission of a delinquent act, employee of the Department of
 557 Children and Families assigned to provide direct services to children
 558 and youths in the care or custody of the department, employee of a
 559 municipal police department assigned to provide security at the police
 560 department's lockup and holding facility, active individual member of
 561 a volunteer canine search and rescue team, as defined in section 5-249,
 562 or public transit employee from performing his or her duties, and
 563 while such peace officer, special policeman, motor vehicle inspector,
 564 firefighter, employee, physician, nurse, member, probation officer or

565 active individual member is acting in the performance of his or her
 566 duties, (1) such person causes physical injury to such peace officer,
 567 special policeman, motor vehicle inspector, firefighter, employee,
 568 physician, nurse, member, probation officer or active individual
 569 member, or (2) such person throws or hurls, or causes to be thrown or
 570 hurled, any rock, bottle, can or other article, object or missile of any
 571 kind capable of causing physical harm, damage or injury, at such peace
 572 officer, special policeman, motor vehicle inspector, firefighter,
 573 employee, physician, nurse, member, probation officer or active
 574 individual member, or (3) such person uses or causes to be used any
 575 mace, tear gas or any like or similar deleterious agent against such
 576 peace officer, special policeman, motor vehicle inspector, firefighter,
 577 employee, physician, nurse, member, probation officer or active
 578 individual member, or (4) such person throws or hurls, or causes to be
 579 thrown or hurled, any paint, dye or other like or similar staining,
 580 discoloring or coloring agent or any type of offensive or noxious
 581 liquid, agent or substance at such peace officer, special policeman,
 582 motor vehicle inspector, firefighter, employee, physician, nurse,
 583 member, probation officer or active individual member, or (5) such
 584 person throws or hurls, or causes to be thrown or hurled, any bodily
 585 fluid including, but not limited to, urine, feces, blood or saliva at such
 586 peace officer, special policeman, motor vehicle inspector, firefighter,
 587 employee, physician, nurse, member, probation officer or active
 588 individual member. For the purposes of this section, "public transit
 589 employee" means a person employed by the state, a political
 590 subdivision of the state, a transit district formed under chapter 103a or
 591 a person with whom the Commissioner of Transportation has
 592 contracted in accordance with section 13b-34 to provide transportation
 593 services who operates a vehicle or vessel providing public rail service,
 594 ferry service or fixed route bus service or performs duties directly
 595 related to the operation of such vehicle or vessel.

596 Sec. 25. Section 53a-174b of the general statutes is repealed and the
 597 following is substituted in lieu thereof (*Effective July 1, 2010*):

598 [Any person not authorized] (a) A person is guilty of conveyance or
 599 use of an electronic wireless communication device in a correctional
 600 institution when such person, without authorization by the
 601 Commissioner of Correction or the commissioner's designee, [who] (1)
 602 conveys or possesses with intent to convey an electronic wireless
 603 communication device to any inmate of a correctional institution while
 604 such inmate is in such institution, or (2) uses an electronic wireless
 605 communication device to take a photographic or digital image in a
 606 correctional institution, [shall be guilty of]

607 (b) Conveyance or use of an electronic wireless communication
 608 device in a correctional institution is a class A misdemeanor.

609 Sec. 26. Subsection (a) of section 53a-192a of the general statutes is
 610 repealed and the following is substituted in lieu thereof (*Effective July*
 611 *1, 2010*):

612 (a) A person is guilty of trafficking in persons when such person
 613 commits coercion as provided in section 53a-192 and the other person
 614 is compelled or induced to (1) engage in conduct that constitutes a
 615 violation of section 53a-82, or (2) [work] provide labor or services.

616 Sec. 27. Section 54-86m of the general statutes is repealed and the
 617 following is substituted in lieu thereof (*Effective July 1, 2010*):

618 Notwithstanding the provisions of section 54-86a, in any criminal
 619 proceeding, any property or material that constitutes child
 620 pornography shall remain in the care, custody and control of the state,
 621 and a court shall deny any request by the defendant to copy,
 622 photograph, duplicate or otherwise reproduce any property or
 623 material that constitutes child pornography [so long as] provided the
 624 attorney for the state makes the property or material reasonably
 625 available to the defendant. Such property or material shall be deemed
 626 to be reasonably available to the defendant if the attorney for the state
 627 provides the defendant, the defendant's attorney or any individual the
 628 defendant may seek to qualify to furnish expert testimony at trial,

629 ample opportunity for inspection, viewing [.] and examination of the
630 property or material at a state facility or at another facility agreed upon
631 by the attorney for the state and the defendant. For the purposes of this
632 section, "child pornography" [shall have] has the same meaning as in
633 section 53a-193.

634 Sec. 28. Section 54-102*l* of the general statutes is repealed and the
635 following is substituted in lieu thereof (*Effective July 1, 2010*):

636 A person whose DNA profile has been included in the data bank
637 pursuant to sections 54-102g to 54-102k, inclusive, may request
638 expungement on the grounds that the criminal conviction or the
639 finding of not guilty by reason of mental disease or defect on which the
640 authority for including [his] the person's DNA profile was based has
641 been reversed and the case dismissed. The State Police Forensic Science
642 Laboratory shall purge all records and identifiable information in the
643 data bank pertaining to the person and destroy all samples from the
644 person upon receipt of (1) a written request for expungement pursuant
645 to this section, and (2) a certified copy of the court order reversing and
646 dismissing the conviction or the finding of not guilty by reason of
647 mental disease or defect.

648 Sec. 29. Subsection (h) of section 54-124a of the 2010 supplement to
649 the general statutes is repealed and the following is substituted in lieu
650 thereof (*Effective July 1, 2010*):

651 (h) The chairperson, or the chairperson's designee, and two
652 members of the board from among the members assigned by the
653 chairperson to serve exclusively on parole release panels or the
654 members appointed by the Governor on or after February 1, 2008, to
655 serve on parole release panels, shall conduct all parole release
656 hearings, [shall, prior to July 1, 2008, approve or deny all parole
657 releases recommended by an employee of the board pursuant to
658 section 54-125b,] and shall approve or deny all parole revocations and
659 parole rescissions recommended by an employee of the board
660 pursuant to section 54-127a. No panel of the Board of Pardons and

661 Paroles shall hold a hearing to determine the suitability for parole
 662 release of any person [or, prior to July 1, 2008, hold a meeting to
 663 consider the recommendation of an employee of the board made
 664 pursuant to section 54-125b, to grant parole to a person] unless the
 665 chairperson of the board has made reasonable efforts to determine the
 666 existence of and obtain all information deemed pertinent to the panel's
 667 decision and has certified that all such pertinent information
 668 determined to exist has been obtained or is unavailable.

669 Sec. 30. Subsection (a) of section 54-125a of the general statutes is
 670 repealed and the following is substituted in lieu thereof (*Effective July*
 671 *1, 2010*):

672 (a) A person convicted of one or more crimes who is incarcerated on
 673 or after October 1, 1990, who received a definite sentence or aggregate
 674 sentence of more than two years, and who has been confined under
 675 such sentence or sentences for not less than one-half of the aggregate
 676 sentence or one-half of the most recent sentence imposed by the court,
 677 whichever is greater, may be allowed to go at large on parole in the
 678 discretion of the panel of the Board of Pardons and Paroles for the
 679 institution in which the person is confined, if (1) it appears from all
 680 available information, including any reports from the Commissioner of
 681 Correction that the panel may require, that there is reasonable
 682 probability that such inmate will live and remain at liberty without
 683 violating the law, and (2) such release is not incompatible with the
 684 welfare of society. At the discretion of the panel, and under the terms
 685 and conditions as may be prescribed by the panel including requiring
 686 the parolee to submit personal reports, the parolee shall be allowed to
 687 return to the parolee's home or to reside in a residential community
 688 center, or to go elsewhere. The parolee shall, while on parole, remain
 689 under the jurisdiction of the board until the expiration of the
 690 maximum term or terms for which the parolee was sentenced. Any
 691 parolee released on the condition that the parolee reside in a
 692 residential community center may be required to contribute to the cost
 693 incidental to such residence. Each order of parole shall fix the limits of

694 the parolee's residence, which may be changed in the discretion of the
695 board and the Commissioner of Correction. Within three weeks after
696 the commitment of each person sentenced to more than [one year] two
697 years, the state's attorney for the judicial district shall send to the
698 Board of Pardons and Paroles the record, if any, of such person.

699 Sec. 31. Subdivision (4) of section 54-201 of the general statutes is
700 repealed and the following is substituted in lieu thereof (*Effective July*
701 *1, 2010*):

702 (4) ["Relative of any person"] "Relative" means [the] a person's
703 spouse, parent, grandparent, stepparent, child, including a natural
704 born child, [step] stepchild and adopted child, grandchild, brother,
705 sister, half brother [,] or half sister or [spouse's parents] a parent of a
706 person's spouse;

707 Sec. 32. Subsection (a) of section 54-260b of the general statutes is
708 repealed and the following is substituted in lieu thereof (*Effective July*
709 *1, 2010*):

710 (a) For the purposes of this section:

711 (1) "Basic subscriber information" means: (A) Name, (B) address, (C)
712 age or date of birth, (D) electronic mail address, instant message
713 address or other similar Internet communication identifier, and (E)
714 subscriber number or identity, including any assigned Internet
715 protocol address;

716 (2) "Electronic communication" means "electronic communication"
717 as defined in 18 USC 2510, as amended from time to time;

718 (3) "Electronic communication service" means "electronic
719 communication service" as defined in 18 USC 2510, as amended from
720 time to time;

721 (4) "Registrant" means a person required to register under section
722 54-251, 54-252, 54-253 or 54-254; and

723 (5) "Remote computing service" means "remote computing service"
 724 as defined in section 18 USC 2711, as amended from time to time, [
 725 and]

726 [(6) "Wire communication" means "wire communication" as defined
 727 in 18 USC 2510, as amended from time to time.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2010	18-81t(a)
Sec. 2	July 1, 2010	34-532(e)
Sec. 3	October 1, 2010	45a-676(c)
Sec. 4	July 1, 2010	46b-15(b)
Sec. 5	July 1, 2010	46b-38b(d)
Sec. 6	July 1, 2010	46b-86(a)
Sec. 7	July 1, 2010	49-9a
Sec. 8	July 1, 2010	51-164n(b)
Sec. 9	July 1, 2010	52-225a
Sec. 10	July 1, 2010	52-553
Sec. 11	July 1, 2010	52-593a
Sec. 12	July 1, 2010	53-205
Sec. 13	July 1, 2010	53-278g(a)
Sec. 14	July 1, 2010	53-289c(b)
Sec. 15	July 1, 2010	53a-19(b)
Sec. 16	July 1, 2010	53a-22
Sec. 17	July 1, 2010	53a-23
Sec. 18	July 1, 2010	53a-35a
Sec. 19	July 1, 2010	53a-36
Sec. 20	July 1, 2010	53a-39(d)
Sec. 21	July 1, 2010	53a-40b
Sec. 22	July 1, 2010	53a-167a(a)
Sec. 23	July 1, 2010	53a-167b(a)
Sec. 24	July 1, 2010	53a-167c(a)
Sec. 25	July 1, 2010	53a-174b
Sec. 26	July 1, 2010	53a-192a(a)
Sec. 27	July 1, 2010	54-86m
Sec. 28	July 1, 2010	54-102l
Sec. 29	July 1, 2010	54-124a(h)
Sec. 30	July 1, 2010	54-125a(a)

Sec. 31	<i>July 1, 2010</i>	54-201(4)
Sec. 32	<i>July 1, 2010</i>	54-260b(a)

JUD *Joint Favorable*